

# EXHIBIT I

**From:** Greg Dexter

**Sent:** Friday, July 29, 2016 6:37 PM

**To:** 'Carlisle, Marie L.' <[mcarlisle@bakerlaw.com](mailto:mcarlisle@bakerlaw.com)>

**Cc:** Helen Chaitman <[hchaitman@chaitmanllp.com](mailto:hchaitman@chaitmanllp.com)>; Jacobs, Edward J. <[ejacobs@bakerlaw.com](mailto:ejacobs@bakerlaw.com)>; Hunt, Dean D. <[dhunt@bakerlaw.com](mailto:dhunt@bakerlaw.com)>; Smith, Rachel M. <[rsmith@bakerlaw.com](mailto:rsmith@bakerlaw.com)>

**Subject:** RE: Subpoenas served in Picard v. Train Klan Partnership et al., Adv. Pro. No. 10-04905

Ms. Carlisle:

Thanks for the call and email.

Since these responses are insufficient to the Trustee, what language precisely does the Trustee require? Is the Trustee acknowledging that the Train Klan defendants have preserved their right at trial to deny the deposits and withdrawals on Exhibit B?

Gregory M. Dexter

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**From:** Carlisle, Marie L. [<mailto:mcarlisle@bakerlaw.com>]

**Sent:** Friday, July 29, 2016 6:00 PM

**To:** Greg Dexter <[gdexter@chaitmanllp.com](mailto:gdexter@chaitmanllp.com)>

**Cc:** Helen Chaitman <[hchaitman@chaitmanllp.com](mailto:hchaitman@chaitmanllp.com)>; Jacobs, Edward J. <[ejacobs@bakerlaw.com](mailto:ejacobs@bakerlaw.com)>; Hunt, Dean D. <[dhunt@bakerlaw.com](mailto:dhunt@bakerlaw.com)>; Smith, Rachel M. <[rsmith@bakerlaw.com](mailto:rsmith@bakerlaw.com)>

**Subject:** RE: Subpoenas served in Picard v. Train Klan Partnership et al., Adv. Pro. No. 10-04905

Mr. Dexter,

As mentioned in my telephone call, we disagree with your characterization of your clients' discovery responses and do not agree to withdraw the Rule 45 subpoenas on either Crown Bank or your clients' accountant, Jacobs Cohen & Associates.

Your clients' discovery responses do not admit receipt of the transfers. In their responses to Interrogatories, they state they are unable to identify any person or entity that received funds withdrawn from the BLMIS account, demonstrating that they dispute that Train Klan, or any of the other Defendants, received the transfers.

Further, in spite of your representation below, your clients have not amended their Answer to withdraw the affirmative defense regarding tax-offsets and it is still a pending issue in this case.

Thank you,

Marie

**From:** Greg Dexter [<mailto:gdexter@chaitmanllp.com>]  
**Sent:** Friday, July 29, 2016 12:19 PM  
**To:** Hunt, Dean D.; Carlisle, Marie L.; Smith, Rachel M.  
**Cc:** Helen Chaitman  
**Subject:** Subpoenas served in Picard v. Train Klan Partnership et al., Adv. Pro. No. 10-04905  
**Importance:** High

Mr. Hunt/Ms. Carlisle/Ms. Smith:

Our law firm represents the Defendants in the above-captioned case.

I am writing to address the Trustee's subpoenas served in the above-captioned case on third parties Crown Bank and Jacobs, Cohen & Associates.

In order to discuss our issues with these subpoenas, I called Dean Hunt at 12:56 p.m. this afternoon, who referred me to Ms. Carlisle because he said she is taking the lead on these subpoenas. I called and left a voicemail for Ms. Carlisle at 12:58 p.m. I then called and left a voicemail for Ms. Smith.

I am requesting that the Trustee withdraw the subpoenas in this case.

The Defendants in this case have admitted **all** withdrawals and deposits from the beginning of the BLMIS account as set forth on the Trustee's Exhibit B to the Complaint. The Defendants have also withdrawn their tax-offset defense. Therefore, the only purpose of the subpoenas could be to take discovery of subsequent transferees. The complaint does not state claims against subsequent transferees and the law is clearly established that discovery cannot be used to frame a complaint. The discovery is irrelevant and therefore is outside the scope of Fed. R. Civ. P. 26.

Please let me know as soon as possible today whether the Trustee will withdraw these subpoenas. If not, we will file a motion to quash.

Your attention to this matter is most appreciated.

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